

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

1 **Synopsis:** *The Commission seeks cancellation of the permits of household goods*
carriers that have failed to pay regulatory fees as required by RCW 81.80.321 or
failed to file an annual report as required by RCW 81.04.080.

2 **Proceedings:** The Washington Utilities and Transportation Commission
 (Commission) distributes annual report forms to all household goods carrier permit
 holders, including Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving &
 Delivery, Barnoli, Inc., Andy Chen d/b/a Hing's Professional Moving, Maskelyne
 Transfer & Storage, Inc., Orca Moving Systems, LLC, T & S Transportation &
 Installation, Inc. and T & T Milk Transport, Inc. (collectively "the Companies").

3 The annual report forms are sent to the address on record with the Commission for
 each permit holder. Each permit holder is required to submit an annual report and
 remit regulatory fees by May 1 of each year. A search of Commission records
 indicates that the Companies failed to comply with regulatory fee or reporting

requirements required by RCW 81.80.321, RCW 81.04.080, and WAC 480-15-480. Thus, the Commission Staff¹ asks the Commission to issue this Complaint seeking cancellation of each company's permit for failure to pay regulatory fees and/or file annual reports.

I. COMPLAINT

- 4 The Commission on its own motion, and through its Staff, alleges as follows:
- 5 Household goods carriers are required to submit annual reports and remit regulatory fees to the Commission. *Title 81 RCW.*
- 6 Household goods carriers are common carriers. *RCW 81.04.010.* Every common carrier is a public service company. *Id.*
- 7 Public service companies must file an annual report with the Commission. *RCW 81.04.080.* Each common carrier must pay an annual regulatory fee of no more than one quarter of one percent of its gross income from intrastate operations for the previous calendar year. *RCW 81.80.321.* Thus, as common carriers transporting goods within the state of Washington, household goods carriers must pay regulatory fees and file annual reports.
- 8 Under Title 81 RCW, the Commission is expressly empowered to issue rules and regulations governing household goods carriers. *RCW 81.04.160.*
- 9 The Commission distributes by mail annual report forms and instructions to each household goods permit holder at its address on record with the Commission. *WAC 480-15-480.* If a carrier does not receive an annual report form, however, it is the carrier's responsibility to contact the commission and request the form. *Id.*
- 10 Annual reports and regulatory fees are due no later than May 1 of the year following the year being reported. *WAC 480-15-480.*

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See, RCW 34.05.455.*

- 11 The Commission may cancel a household goods carrier permit for good cause, including failure to submit an annual report or failure to pay regulatory fees. WAC 480-15-450.
- 12 Staff conducted its yearly compliance review of annual report and regulatory fee filings for household goods carriers registered with the Commission. This review generated a list of companies that had failed to pay regulatory fees for 2009 or failed to submit annual reports for 2008. Those companies that still have not paid 2009 regulatory fees or filed 2008 annual reports are named as respondents in this complaint.
- 13 Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving & Delivery (A & A Moving) is a public service company as defined in RCW 81.04.010. A & A Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that A & A Moving failed to pay the regulatory fees and file the annual report due on May 1, 2009.
- 14 Barnoli, Inc. (Barnoli) is a public service company as defined in RCW 81.04.010. Barnoli holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Barnoli failed to pay the regulatory fees and file the annual report due on May 1, 2009.
- 15 Andy Chen d/b/a Hing's Professional Moving (Hing's) is a public service company as defined in RCW 81.04.010. Hing's holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Hing's failed to pay the regulatory fees and file the annual report due on May 1, 2009.
- 16 Maskelyne Transfer & Storage, Inc. (Maskelyne) is a public service company as defined in RCW 81.04.010. Maskelyne holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Maskelyne failed to pay the regulatory fees and file the annual report due on May 1, 2009.
- 17 Orca Moving Systems, LLC (Orca Moving) is a public service company as defined in RCW 81.04.010. Orca Moving holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that Orca Moving failed to pay the regulatory fees and file the annual report due on May 1, 2009.

- 18 T & S Transportation & Installation, Inc. (T & S Transportation) is a public service company as defined in RCW 81.04.010. T & S Transportation holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that T & S Transportation failed to pay the regulatory fees and file the annual report due on May 1, 2009.
- 19 T & T Milk Transport, Inc. (T & T Milk) is a public service company as defined in RCW 81.04.010. T & T Milk holds authority to transport household goods in the state of Washington for compensation. From the Commission's files and records, it appears that T & T Milk failed to pay the regulatory fees and file the annual report due on May 1, 2009.

II. REQUEST FOR RELIEF

- 20 Staff asks the Commission to find that the Companies failed to comply with RCW 81.80.321, RCW 81.04.080, and WAC 480-15-480 by failing to pay 2009 regulatory fees and/or file 2008 annual reports.
- 21 Staff requests that the Commission, pursuant to its authority in WAC 480-15-450, revoke the permits of the respondent household goods companies.

III. PROBABLE CAUSE

- 22 Based on a review of the Declaration of Sheri Hoyt regarding her investigation of Commission records pertaining to the submission of annual reports and regulatory fees by household goods carriers, and consistent with RCW 80.01.060 and WAC 480-07-307, the Commission finds probable cause exists to issue this Complaint.

IV. NOTICE OF HEARING

- 23 **NOTICE IS HEREBY GIVEN that a hearing in this matter will be held on February 1, 2010, 3:00 p.m., in Room 206, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the hearing in person, you may attend via the Commission's teleconference bridge line at **360-664-3846**. Please appear on the teleconference bridge five minutes before the conference is scheduled to begin.

- 24 The Commission will hear this matter under the Administrative Procedure Act (APA) at RCW 34.05, including but not limited to RCW 34.05.413, RCW 34.05.434, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452; and pursuant to the Commission's procedural rules at WAC 480-07, including but not limited to WAC 480-07-145, WAC 480-07-150, WAC 480-07-305, WAC 480-07-440, WAC 480-07-450, WAC 480-07-470, WAC 480-07-490, and WAC 480-07-495. The Commission has jurisdiction in this matter under RCW 80.01, RCW 81.04, and RCW 81.80, including but not limited to RCW 80.01.040, RCW 81.04.080, RCW 81.04.110, RCW 81.04.380, RCW 81.80.130, RCW 81.80.280, RCW 81.80.290, RCW 81.80.321, and RCW 81.80.330, and under WAC 480-15, including but not limited to WAC 480-15-145 and WAC 480-15-450.
- 25 THE COMMISSION GIVES FURTHER NOTICE THAT ANY PARTY WHO FAILS TO ATTEND OR PARTICIPATE IN THE HEARING SET BY THIS NOTICE, OR ANY OTHER STAGE OF THIS PROCEEDING, MAY BE HELD IN DEFAULT IN ACCORDANCE WITH RCW 34.05.440 AND WAC 480-07-450.
- 26 If any party or witness needs interpreter or other assistance, please fill out the form attached to this notice and return it to the Commission.
- 27 The names and mailing addresses of all parties and their known representatives are as follows:

Complainant: Washington Utilities and
Transportation Commission
1300 S. Evergreen Park Drive S.W.
PO Box 47250
Olympia, WA 98504-7250
(360) 664-1160

Representative: Michael Fassio
Assistant Attorney General
1400 S. Evergreen Park Drive S.W.
PO Box 40128
Olympia, WA 98504-0128
(360) 664-1192

Respondent: Abizer A. Raj & Amar S. Dosanjh
d/b/a A & A Moving & Delivery
PO Box 65611
Vancouver, WA 98665-0021

Respondent: Barnoli, Inc.
3703 Norton Avenue
Everett, WA 98201

Respondent: Chen, Andy
d/b/a Hing's Professional Moving
3227 16th Avenue S.
Seattle, WA 98144

Respondent: Maskelyne Transfer & Storage, Inc.
PO Box 352
Walla Walla, WA 99362-0352

Respondent: Orca Moving Systems, LLC
PO Box 2126
Sumner, WA 98390-9615

and

2400 70th Avenue East, Suite B-116
Fife, WA 98524

Respondent: T & S Transportation & Installation, Inc.
PO Box 5644
Everett, WA 98201

Respondent: T & T Milk Transport, Inc.
3404 W Cora Street
Spokane, WA 99205

28 Adam E. Torem is appointed as the Administrative Law Judge from the Utilities and Transportation Commission's Administrative Law Division, 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-7250, and will preside at the hearing.

- 29 Notice of any other procedural phase will be given in writing or on the record as the Commission may deem appropriate during the course of this proceeding.

DATED at Olympia, Washington, and effective November 24, 2009.

ANN E. RENDAHL
Director, Administrative Law Division

Inquiries may be addressed to:

Executive Director and Secretary
Washington Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P. O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

PLEASE NOTE: The hearing facilities are accessible to interested people with disabilities; that smoking is prohibited; and if limited English-speaking or hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

The information needed to provide an appropriate interpreter or other assistance should be stated below and returned to Washington Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P.O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket No.: _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary

Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be
contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____